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**TERMINAL DISCLAIMER UNDER 37 CFR § 1.321**

Applicant	:	Mark C. Shults, et al.
App. No.	:	09/447,227
Filed	:	November 22, 1999
For	:	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS
Examiner	:	Nasser, Robert L.
Art Unit	:	3735
Conf No.	:	3546

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

***Disclaimer by Assignee***

The assignee of the above-identified application, DexCom, Inc. ("Assignee"), hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any patent issuing from U.S. Patent Application No. 11/021,046, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that such patent so granted on the above-identified application and any patent issuing from U.S. Patent Application No. 11/021,046 are commonly owned. This agreement extends to any patent granted on the above-identified application and shall be binding on Assignee, its successors, or assigns.

Assignee does not disclaim the terminal part of any patent granted on the above-identified application prior to the earlier of the expiration date of (i) the full statutory term of any patent issuing from U.S. Patent Application No. 11/021,046 and (ii) the expiration date of the full statutory term of any patent issuing from the above-identified application, in the event that any such patent issuing from U.S. Patent Application No. 11/021,046 or from the above-identified application later expires for failure to pay a maintenance fee, is held unenforceable, is found

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invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 CFR § 1.321(a) has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term.

***Right of Assignee and Ownership***

In accordance with 37 CFR § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-identified application and commonly owned, U.S. Patent Application No. 11/021,046. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

***Empowerment of Attorney***

Pursuant to 37 CFR § 1.321(a) the undersigned attorney of record is empowered to act on behalf of the Assignee by virtue of a Power of Attorney.

This Terminal Disclaimer is accompanied by the \$140 fee set forth in 37 CFR § 1.20(d). The Commissioner is hereby authorized to charge any deficient fee to Deposit Account No. 11-1410.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR LLP

Date: February 25, 2010

/Rose M. Thiessen/  
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